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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL NO. 1169 of 1992

Date of decision : 24.6.1996

For Approval and Signature

THE HONOURABLE MR.JUSTICE M.S.PARIKH

1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether Their Lordships wish to see the fair copy of Judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder ?
5. Whether it is to be circulated to the Civil Judge ?

The State of Gujarat

v/s.

Pravindbhai Ramjibhai Thakkar

Mr.A.G.Uraizee, Addl.P.P. for the Appellant - State

Mr.N.A.Solanki, Advocate for the Respondent- accused

CORAM : M.S.PARIKH, J.

Date : June 24, 1996

ORAL JUDGMENT :

By consent and at the request of Mr.A.G.Uraizee, learned A.P.P.for the appellant - State, this Appeal is taken up for admission today.

2. According to the case of the appellant State of Gujarat, a complaint was filed against the respondent before the learned J.M.F.C., Chhota Udepur for offences punishable under Sections 7 & 14 of the Prevention of Food Adulteration Act. That : 2 : complaint was registered as Criminal Case No.1239 of 1986. The learned J.M.F.C., after recording the evidence of the prosecution witnesses and the plea of the accused rendered the Judgment and order of acquittal on 10.1.1992 and acquitted the respondent of the offences with which he stood charged. The State has preferred this acquittal Appeal praying for leave to Appeal against the acquittal.

3. I have gone through the Judgment and order of the acquittal passed by the learned Magistrate. The learned Magistrate has acquitted the accused of the offences charged against him on more than one grounds, more particularly upon appreciation of the prosecution evidence as contained in the report of the Public Analyst, Ex.21. It is not the case of the petitioner that the learned Magistrate has misstated what the Public Analyst has said in his Report. On appreciation of the evidence of Public Analyst and the Report Ex.21, the learned Magistrate has found that there is no opinion with regard to adulteration of the ground-nut oil. The report has not indicated as to which oil was mixed with the ground nut oil. The Report has also not indicated the extent of adulteration. The report has also not clearly stated as to whether the sample analysed was unfit for human consumption or that it was harmful to human health. The learned Magistrate has relied upon the decision of the Honourable Supreme Court in the case of "State (Delhi Administration) V/s. Puran Mal, reported in A.I.R. 1985 SC 741 in order to evaluating and reaching his conclusion with regard to the aforesaid Report of the Public Analyst. There are other circumstances flowing from the appreciation of evidence from which also the acquittal has been passed.

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4. In the facts and circumstances of the case, therefore, leave to Appeal cannot be granted and this Appeal cannot be entertained. Hence dismissed.

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